

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>SHERRY A. BENDER,</b>	:	<b>CIVIL ACTION NO. 3:17-CV-806</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>NANCY A. BERRYHILL, Acting Commissioner of Social Security,</b>	:	
	:	
<b>Defendant</b>	:	
	:	

**ORDER**

AND NOW, this 17th day of July, 2018, upon consideration of the report (Doc. 16) of Chief Magistrate Judge Susan E. Schwab, recommending that the court deny the appeal of Sherry A. Bender (“Bender”) from the decision of the administrative law judge denying her application for a period of disability, disability insurance benefits, and supplemental security income, and the court noting that Bender filed objections (Doc. 17) to the report, see FED. R. Civ. P. 72(b), and the Commissioner of Social Security (“Commissioner”) filed a response (Doc. 18) thereto, and following *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in agreement with Judge Schwab that the administrative law judge’s decision “is supported by substantial evidence,” 42 U.S.C. § 405(g); Fargnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and finding Judge

Schwab's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Bender's objections to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 16) of Chief Magistrate Judge Schwab is ADOPTED.
2. The Commissioner's decision denying Bender's application for a period of disability, disability insurance benefits, and supplemental security income is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Bender as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania